



**REGULAR BOARD MEETING
University Park Plaza
Conference Room A – 4TH Floor
2829 University Avenue S. E.
Minneapolis, Minnesota 55414**

Minutes

January 15, 2010

- Members Present:** Christine Black-Hughes, LICSW, Vice Chair
David Hallman, LSW
Jacqueline Johnson, LICSW
Rosemary Kassekert, Public Member
Janna Kovach, LSW
Kenneth Middlebrooks, Public Member, Chair
Carol Payne, LSW
Ruth Richardson, Public Member
Tamerlee Ruebke, LSW
David Sandry, Public Member, Secretary-Treasurer
Angie Stratig, LICSW
Antonia Wilcoxon, Public Member
- Members Absent:** Mary Casey Ladd, LICSW
Beverly Ryan, LISW
- Staff Present:** Louis Hoffman, Director of Compliance
Michelle Kramer-Prevost, LGSW, Staff Social Worker
Brenda Mammenga, Recording Secretary
Sheryl McNair, LICSW, Assistant Director
Connie Oberle, Office Manager
Kate Zacher-Pate, LSW, Executive Director

1. PROPOSED AGENDA [Attached]

Chair Middlebrooks called the meeting to order at 9:05 a.m.; a quorum was present. The Board unanimously approved the agenda.

2. MINUTES FOR NOVEMBER 20, 2009 BOARD MEETING [Attached]

McNair noted the following three changes to the minutes: 1) on page 2, 3.A. Executive Director's ("E.D.s") Report – Staffing Update, bullet 1, McNair's paid leave began on October 6, 2009 instead of October 1, 2009; 2) on page 12, 10. Health Professionals Services Program ("HPSP") Report, bullet 6, "represents the Board" should be deleted; and 3) on page 13, 13.

Roundtable, bullet 5, McNair's name should be added as she also met with Senator Marty. The Board unanimously approved the amendments to the November 20, 2009 minutes.

3. WELCOME FROM CHAIR: Middlebrooks

Middlebrooks said he is very privileged to serve on several Boards in the Twin Cities area and that he has always felt extremely privileged to serve on this Board. Middlebrooks thanked David Hallman for his work as Board Chair, and he presented a certificate of appreciation to Hallman for serving as Board Chair from 2008 – 2009. Middlebrooks also asked Hallman to be the Board Parliamentarian, and Hallman agreed to do so.

Middlebrooks thanked Board staff and Board members for their attendance at today's meeting, and he noted Board members have volunteered their time to ensure quality in the practice of Social Work. As a community member, Middlebrooks expressed his appreciation to the Board for their work. He also said the Board has a great Board staff and leadership, and he appreciates their work.

Over the next several months the Strategic Plan will be reviewed, reprioritized, and tasks will be added as needed. He asked the Board for input on meeting agendas or how to have a better Board meeting and to forward suggestions to the Executive Committee.

4. EXECUTIVE DIRECTOR'S REPORT: Zacher-Pate [Attached]

Zacher-Pate expressed appreciation to Hallman for his steady leadership to the Board and his consistent focus on public protection. Zacher-Pate also thanked Hallman for the support she received as he was her supervisor and said the certificate of appreciation was a small token of gratitude. Also, Zacher-Pate noted that Middlebrooks and Sandry will receive certificates of appreciation when they complete terms as officers to the Board, and she thanked them and Black-Hughes as they begin serving new terms on the Executive Committee.

Zacher-Pate also expressed appreciation as the Board is fully staffed once again, and she extended condolences to those who have experienced significant losses to their families. She also thanked Kramer-Prevost for accepting an increase to her workload during this time.

Zacher-Pate referred to the information included in the Board packet and commented on the following new information received since the mailing: Office of Enterprise Technology ("OET") update, strategies of the E.D.s, committees she is serving on, and a new informational brochure.

- The E.D.s, with encouragement from several Legislators, are developing an active and visible legislative strategy with Legislators at the Capitol. They are focusing their strategy in a positive, constructive, and educational manner.
- Zacher-Pate is serving on two E. D. Forum Committees: 1) the IT Committee, representing the medium size Boards, and 2) the Government Affairs Committee ("GAC"), which was previously known as the Policy Committee. The GAC will launch the legislative strategy by using an informational, educational tool at the Capitol to explain how the Health Licensing Boards ("HLBs") are independent, but collaborate with each other to be more efficient and effective. ("Public Safety Mission" was distributed.)
- The mission of the HLBs will be highlighted including numbers relating to the Boards. For instance, the HLBs regulate almost 300,000 individuals in Minnesota, work

with 183 citizens appointed as Board members, and have 133 full-time employees. The report will include information about the HLBs' funding through licensing fees, which is their only source of revenue. However, for several years the HLBs' revenue has been used to fund other state programs. The Administrative Services Unit ("ASU") will also be highlighted explaining the collaboration the HLBs have with ASU and information about the awards the HLBs have received for their IT functions and level of security. An educational tool was distributed about the HLBs, which will be used to promote and provide information regarding the HLB public safety mission, structure, and funding data, particularly with the Legislature.

- Grace Rhee is the Board's temporary IT Developer and has been with the office for almost four years. Rhee's position will end in September 2010, and she has been invaluable in developing IT projects in-house. Hiring an outside consultant for projects would cost the Board significantly more. Therefore, Zacher-Pate has informed both the Finance and Executive Committees of her request that the position be made permanent, which the Committees support. Juli Vangsness, the HLBs' Accounting Coordinator, said the Board has a strong case to ask for the permanent position, as it is essential for the Board to operate at its current capacity, as well as to keep costs down. Vangsness said the Board's budget will likely support the position this fiscal year. However, it is difficult to determine the outcome of this request and process at this time.
- Current IT projects in the development stage by Rhee include:
 - "Managing My Account" which will provide applicants and licensees a better way to change passwords, and to update telephone numbers and addresses
 - Capability to submit Supervision Plans online instead of on paper which will increase ease and access, and minimize staff data entry
 - Capability for licensing supervisors to provide an attestation online that they have completed the 30 hours of training in the practice of supervision required for licensing supervisors effective August 1, 2011
 - Capability to search for licensing supervisors online
 - Capability for licensees and applicants to view their supervision reports, and calculate and determine whether they have completed a requirement
- The OET e-licensing surcharge has been in place since July 1, 2009, and funds are being transferred from the HLBs' accumulated surplus in the State Government Special Revenue Fund. The Board's portion of the surcharge is approximately \$85,000 - \$100,000 per fiscal year, and the funds will come from the Board's surplus, not from the Board's operating funds. The surcharge will be in place until 2015, and the HLBs and licensees will have contributed \$9.6 million to the start-up costs of the OET Enterprise System.
- Representatives from OET, DeLoitte & Touche (the consulting firm), and VERSA (a computer software company) will meet with the HLBs to prepare for the migration or transfer of the HLBs to the Enterprise System. The HLBs will need funding for the necessary technical changes to their systems in order to collect the surcharge online from licensees, as the surcharge currently in place only covers the Enterprise System's start-up costs. The E.D.s will present a budget request to Minnesota Management & Budget ("MMB") who is working with OET. The Board's portion of the updates, which may cost approximately \$12,000 - \$14,000, is planned to be done in-house to keep the costs down.
- According to Minnesota statutes, the HLBs will be migrated into the Enterprise System no sooner than 2011. OET and the other representatives mentioned above will conduct meetings with the HLBs in preparation for an OET survey which will

enable them to identify the HLBs' functionality, business rules, and how the front and back ends work. This process is called a Drilling Down Exercise. OET has completed pilot programs with the HLBs' Emergency Medical Services Board, the Peace Officer Standards and Training Board which works with police officers, and is now working with the Department of Human Services ("DHS").

- The North Star portal will be replaced. OET is currently using "License Minnesota", another state website which has links to every Board.
- The OET e-licensing surcharge is being used for start-up costs in developing the Gateway, which is the consolidated website, but the surcharge is not funding the connectivity or the necessary functionality needed for the Gateway to connect with the internal IT systems. Therefore, the HLBs will ask OET to support their efforts to receive funding from the Legislature for this portion of the project.

5. COMPLIANCE COMMITTEE: Hallman, Johnson, Kovach, Ladd, Middlebrooks, Payne, Ryan, Stratig [No cases at this time; other information attached]

- Hoffman reported there are 32 open cases. Staff and the Compliance Panels are processing cases quickly, and delays are most often due to cases being investigated by the Attorney General's ("A.G.s") Office. About six cases at the A.G.s Office are nearing completion, and the Compliance Panels are receiving an increased amount of scanned cases to review.
- There are several cases that have not been opened as the complainants have not provided sufficient information to open a file, and they will be opened when the requested additional information is received from the complainants. There are approximately 40 compliance cases, including several new cases, that have not been opened.
- Compliance Panel "A" met yesterday and held an educational meeting that will result in an Agreement for Corrective Action, and about a dozen cases were reviewed.
- Compliance Panel "B" will hold an investigative conference if the Notice of Conference is received from the A.G.s Office, and there will be a large amount of cases to review.
- There are several improvements to be made with the e-compliance system, but progress is being made in using the online system.

6. LICENSING UNIT REPORT: McNair, Kramer-Prevost [Attached]

McNair reported the following:

- In 2005 the Practice Act was reviewed and legislative changes went into effect January 1, 2006. A limitation was put on the length of time an LGSW or LISW can engage in clinical practice under supervision without holding the LICSW license. The limitation is 8000 hours, and the first licensee may have reached the limit by January 2010.
- There is a clause in the law stating that LGSW and LISW licensees with hardship situations may request an extension from the Board to grant them up to an additional 2000 hours of clinical practice time under supervision beyond the 8000 hour limitation.
- Another legislative change that went into effect January 1, 2006 affects licensees who were grandparented in as LGSWs or LISWs and did not hold an accredited MSW degree, but held a related graduate degree or non-accredited graduate social work degree. Once these licensees reach the 8000 hour clinical practice limitation, they may request that for reasons of personal hardship the Board grant them an

extension to continue practicing clinical social work under supervision for up to an additional 2000 hours. However, these licensees are not eligible to apply for the LICSW license. Prior to the changes in law, in 2005 a mass mailing was sent to licensee who held related graduate degrees or non-accredited Masters Social Work degrees giving them an opportunity to apply for and examine for the clinical license if they had met the supervised practice requirements.

- The intent of these changes in law was to promote public protection and ensure competency by requiring licensees to pass the clinical exam.
- At license renewal an updated Supervision Report is sent to LGSW and LISW licensees who are practicing clinically, which states the number of clinical supervised practice hours they have on file toward their 8000 hour limit.
- Board staff was uncertain how many licensees would be affected by these changes, so several queries were run. One query looking at LGSWs and LISWs with clinical supervised practice hours on file pulled up five licensees renewing in January who would be nearing the 8000 hour limitation. Another query found a total of 14 LGSW and LISW licensees who hold related graduate degrees or non-accredited graduate social work degrees with clinical supervised practice hours on file. Of the 14 licensees, less than half appear to be practicing clinically.
- Staff is requesting that the Board grant the authority to Staff to consider and approve personal hardship petitions from licensees who request an extension and authority to practice clinical social work under supervision for up to an additional 2000 hours if they will exceed the 8000 hour limit before completing all requirements for and being issued an LICSW license.
- The Board requested that they receive a quarterly report on these requests.

A motion was made by Hallman, and seconded by Middlebrooks, to approve Staff's request that the Board grant the authority to Staff to approve personal hardship petitions from licensees who request the authority to practice clinical social work under supervision for up to an additional 2000 hours if they will exceed the 8000 hour limit before completing all requirements for and being issued an LICSW license. The motion carried unanimously.

Zacher-Pate made the following report:

- The provision regarding inactive/emeritus licenses was enacted during the 2005 legislative session and became effective January 1, 2006. The legislation was enacted during the time period of the catastrophic Hurricane Katrina occurrence, and Boards, agencies, and other professions recognized that retired professionals are an important pool who could provide services in emergency situations.
- Staff is requesting the Board's consideration and action regarding the "Request to Provide Emergency Social Work Services While on Inactive/Emeritus License". First, the Board is asked to consider the specific request from a licensee for a variance to provide emergency medical services, which is included in the Board packet. The Executive Committee discussed this case last evening, and along with feedback from the A.G.s Office, this request does not meet the intent of this legislation and does not appear to be an emergency situation.

A motion was made by Hallman, and seconded by Sandry, to deny the request to provide emergency social work services while on inactive/emeritus license. The motion carried unanimously.

- The second action Staff is requesting from the Board is to delegate the authority for Staff to approve these requests with the rationale being that in an emergency situation it is impractical to wait two months to bring a case to the Board.
- There was Board discussion about ensuring that requests demonstrate an emergency situation.

A motion was made by Hallman, and seconded by Ruebke, to grant Staff the authority to review and act on future written requests for variances to provide emergency social work services on an inactive license. The motion carried unanimously.

- McNair noted the final action Staff asks the Board to consider and act upon today is Minnesota Statutes 148D.035 Variances. This law also went into effect on January 1, 2006 and states: "If the effect of a requirement pursuant to this chapter is unreasonable, impossible to execute, absurd, or would impose an extreme hardship on a licensee, the board may grant a variance if the variance is consistent in promoting and protecting the public health, safety and welfare. A variance must not be granted for core licensing standards such as substantive educational and examination requirements."
- McNair said there had been variance requests from licensees since the law went into effect, such as a continuing education variance request to allow more than ten hours of independent study due to a physical limitation/disability to travel to conferences, and a variance to waive a renewal application late fee due to a licensee being hospitalized during the renewal month. The Executive Committee took action in these cases and gave direction to Staff. At this time, Staff is requesting that the Board reaffirm the authority to Staff, previously granted by the Executive Committee, to consider and approve variance requests that are consistent with promoting and protecting the public health, safety and welfare and do not waive core licensing standards such as substantive educational and examination requirements. For any petitions that Staff would deny or appeared complicated and without precedent, Staff would seek A.G. advice and bring these petitions to the Board for consideration and action.

A motion was made by Hallman, and seconded by Stratig, that the Board grant to the Executive Director the authority to consider and approve variances under Minnesota Statutes 148D.035 which promote the Board's core standards of promoting and protecting the public health, safety and welfare. The Executive Director will report on all variances approved and disapproved at the next Board meeting. The motion carried unanimously.

Kramer-Prevost reported the following:

- The online application statistics (attached) show there were 281 applications submitted online in the last quarter of 2009 and a majority of them were received in December, which was due, in part, to the Association of Social Work Board fee increase. Julie Geiger, Staff Applications Coordinator, worked very hard to process every application before the end-of-the-year deadline.
- Student presentations are ongoing. Kramer-Prevost was in St. Cloud yesterday, and she will be in Moorhead at the end of the month. Also, several student presentations are scheduled for February.

7. HISTORY AND CURRENT STATUS OF PUBLIC SECTOR EXEMPTIONS:

Middlebrooks, Wilcoxon, Zacher-Pate [Attached; power point presentation at meeting]

Middlebrooks reported the following:

- The Board formed a Legislative Task Force which is comprised of Staff, Board, and Advisory Committee members. On the Task Force are Advisory Committee members Pam Berkwitz, Pam Luinenberg, and Alan Ingram; Board members Black-Hughes, Middlebrooks, Richardson, and Wilcoxon; and Staff members Zacher-Pate and Kramer-Prevost.
- A letter to Kate Lerner, Executive Director of Minnesota Association of County Social Service Administrators ("MACSSA"), is attached and provides an update on the Board's work regarding possible modifications to the current licensing exemptions for public sector social workers.
- A fact sheet is attached regarding basic questions about the Board's proposal to modify current exemptions and the draft proposal for 2011. A proposed timeline for the modifications was distributed, and a draft presentation has been completed to use as a communication and training tool for the draft proposal.
- The presentation will be used at a session at the Minnesota Social Service Association ("MSSA") Conference on March 25. The presentation will be previewed today and includes the Board's mission, history about licensing exemptions, county workforce data, the Board's Legislative Task Force, issues raised by stakeholders, highlights of the draft proposal, and the value-added benefits for public agencies and workers.
- The Board was established in 1987 to promote public protection which includes licensing qualified individuals who demonstrate competence through education, examination, supervised practice, and continuing education.
- The Board establishes and enforces standards of ethical conduct and practice, investigates and resolves complaints against licensed individuals, and provides public information to consumers of social work services and stakeholders.

Zacher-Pate made the following comments:

- In 1987 when the Practice Act was enacted, there were many exemptions which included other licensed professionals; students; geographic waiver for regional hiring problems; city, county, and state agency social workers; nursing home and hospital social workers; and tribal agencies and private non-profits with a primary service focus serving ethnic minority populations.
- One of the sources of data for this presentation was taken from former Board member Tony Bibus' "Destination Deferred" study of 2007.
- In 1992 Board members, particularly Dr. William Anderson, began working on repealing county exemptions by submitting an essay to MSSA which met with resistance and never went to the Legislature.
- In 1996 there was an initiative started by the professional associations to repeal the exemption for hospital and nursing home social workers, which was supported by the Board, and passed into law.
- In 1997 county exemptions language was modified, which no longer prohibited county agencies employing social workers from requiring their social worker employees to be licensed; thus, some counties have made licensure a requirement for certain social work positions.
- In 2001 the Board's Special Committee on Board Operations ("SCOBO") recommended to the Board a long-term goal to repeal public sector exemptions.

Barbara Kaufman was on the Board at that time. Kaufman is the new Chair of the Advisory Committee and was the Chair of SCOBO.

- In 2002 the Board's compliance process was improved.
- In 2002-2003 the Minnesota Merit System ("MMS") changed its policy to accept the ASWB licensing examination in lieu of the MMS exam for employment, which was a stride forward in introducing licensure into the county system.
- In Minnesota there are approximately 10,500 licensees, and there are approximately 3,400 county social workers (data from the 2007 "Destination Deferred" report). This data includes individuals who are licensed, and unlicensed, and those who either have or do not have social work degrees. Approximately 38% of the 3,400 individuals chose to maintain their licenses voluntarily. About 51% of county social workers have never been licensed, and a number of county practitioners would not be eligible for licensure unless there was a grandparenting period with a legislative initiative.

Middlebrooks reported the following:

- The Board's Legislative Task Force was created in 2005 to develop a proposal by the 2011 Legislative session to modify current licensing exemptions for public sector social workers to enhance the Board's public protection mission. The Board has met with stakeholders to identify issues which impact consumers, social workers, and public sector agencies. These concerns have been addressed in the draft proposal.
- Meetings will continue with stakeholders. There will be a presentation at the MSSA conference in March, a meeting will be scheduled with MACSSA in February, and public forums will be held and the Board will be asked for its approval of the draft proposal in the fall. Based on the current draft proposal, the proposed effective date of public sector licensing is July 1, 2012, and there will be a grandparenting period between July 1, 2011 through June 30, 2012.

Zacher-Pate reported the following:

- The Board has previously approved the draft proposal which has not changed, but it may be changed in the future. The proposal requires licensing for individuals who are employed by a city, county, or a state agency under two circumstances: 1) if the individual is presented to the public by any title incorporating the words "social work" or "social worker"; or 2) if the individual has a baccalaureate or graduate degree in social work, and the individual engages in the practice of social work.
- The draft proposal includes a one-year grandparenting period which permits individuals with non-social work degrees and individuals with social work degrees to apply for licensure without taking the licensing examination. Grandparenting is limited to individuals currently employed in the public sector who have satisfactorily completed the employment probationary period, which is typically a six-month period.
- The academic requirements in the proposal are closely aligned with the MMS requirements, and the proposal also includes supervised practice, if applicable, and BCA background check.
- The proposal does not limit public sector agencies from hiring new or retaining non-social work degreed individuals, but their title must not contain "social worker".
- The Board and some consumer organizations believe there are value-added benefits for the public in the proposal as it lessens the gap in the Board's ability to ensure public protection due to current licensing exemptions. The Task Force believes the public sector exemptions affect a large number of consumers and the most

vulnerable consumers receiving services. The same standards should be in place for both public and private sector social workers.

- There are value-added benefits in the proposal for the public as there would be access to the Board's independent compliance process if a consumer receives incompetent or unethical services. The compliance process would complement and augment the protections afforded by the Department of Human Services' fair hearing process. Also, the public would have greater clarity in representation of credentials and use of the title "social worker".
- A direct economic value-added benefit in the proposal for agencies would be access to reimbursement for services provided by licensed individuals, enhancing an agency's ability to respond to market issues. The ability to meet licensure requirements is already in place in many county agencies.
- Value-added benefits for licensees would be an increase in professional identity, a demonstration of competence and professional standards, increased credibility and marketability, and access to reimbursement and third party pay.

Middlebrooks reported the following:

- There have been a number of improvements with the Board's compliance process. For instance, there are now two compliance panels which include clinicians, public members, and LSWs on each panel, and a county social worker on one of the panels. Also, there is an online video on the compliance process that is available on the Board's website.
- Legislative changes to the compliance process made during the 2005 session, which became effective in 2006, included specific compliance time lines and the ability to suspend Board investigation of alleged complaints against county licensees involving vulnerable adults or child cases during county investigations.
- Reduced complaint resolution time is as follows: 50% in 3 months or less, 75% in 6 months or less, 90% in 9 months or less, and 10% in 18 months.
- There are approximately 120 new complaints per year and 10% result in adverse action.

Zacher-Pate reported the following:

- There has been increased interest and support for public sector licensing over the past few years. One of the interests in licensing for counties and the public sector is market driven as agencies and individuals have access to third party pay. Advocacy organizations have increased awareness of workforce credentials, education, competence, and consumer protection.
- The Board will continue to seek support from stakeholders and Legislators about the proposal and will continue meetings and public forums.

8. FINANCE COMMITTEE REPORT – Supplemental Budget Proposal Request by MN Management & Budget: Sandry, Zacher-Pate [Attached and new report distributed]

There was Board discussion regarding a memorandum dated December 16, 2009 from Jim Schowalter, State Budget Director, to the Executive Branch Agencies, Boards, and Commissions regarding FY 2010-11 Supplemental Budget Preparation. In the memorandum, Schowalter referred to "a projected \$1.2 billion budget deficit, or roughly 3.8% biennial spending". Schowalter also referred to the Governor's press conference held on December 2, 2009 in which "the Governor ordered state agencies to begin holding back 3 percent of unspent operating funds for the remainder of the biennium".

Zacher-Pate noted the Board's general plan is to meet the 3 percent hold back without staff reductions at this time and to preserve core functions as much as possible. However, there will be a negative impact on overall board operations. Also, MMB is looking very carefully at the HLBs and acknowledges the \$6 million transfer from the Board's Special Revenue Fund to the State's General Revenue Fund.

The report was confidential and closed to the public from 12:15-12:40 p.m.

A motion was made by Sandry, and seconded by Kovach, pursuant to MS 13.605, to go into an executive session during the Finance Committee report. The motion carried unanimously.

9. **LUNCH:** 11:40 a.m. – 12:10 p.m.

10. **CITIZEN ADVOCACY CENTER CONFERENCE REPORT:** Richardson

Richardson thanked the Board for sending her to the conference and reported the following:

- Richardson said an interesting session was about legislation recently passed in Colorado on the maintenance of competence, which requires social workers to maintain and demonstrate professional competence in order to renew their licenses. Colorado implemented a competence component into its continuing education that is focused on public protection and provides a full day, or longer, of training, assessments (including testing), professional reflection on the learning process, and learning plans.
- Best practices were identified in regard to providing online educational courses in rural areas, and Colorado delayed implementing a continuing education plan until they could finalize the continuing education with competence focus. The greatest challenges related to developing a standardized infrastructure were keeping the public informed and financial concerns.
- There was a valuable discussion about having a consumer-friendly website, and CAC offered good website models including California's Medical Board and Florida's Department of Health, Division of Medical Quality Assurance Board.
- The following should be included in a user-friendly website: a link to file a complaint, a link to find the status of licensees, a profile of available licenses, the complaint process, frequently asked questions about the Board's role, FAQs for practitioners, the availability of online customer service surveys, and the top ten most frequent disciplinary actions.
- Discussion also included the best practices of a Board assigning a new Board member a mentor, the training or orientation of new Board members, and tapping the full potential of public Board members.
- Richardson said that after serving on this Board and attending the conference, she noticed there are different cultures among the Boards, and this Board has a unique style of integrating public members into the Board. She commended the Board for serving in leadership positions and utilizing the skills that Board members bring to the table, which is not evident on other Boards.

11. COMMITTEE & LIAISON REPORTS

A. Advisory Committee: Wilcoxon [Attached]

Wilcoxon, Kovach and Zacher-Pate attended the December 11 meeting and reported the following:

- New members were welcomed to the committee. Barbara Kaufman, Emeritus Social Worker, has previously served on the committee and now serves as Chair. Stephanie Horak was thanked for chairing the committee the past two years.
- There was an update on DHS' revision of the MA rule for outpatient mental health services, new Board officers, ASWBs' fee increase for licensing examinations, a report on the Board's operations, a report on alternate supervisors, and an update on OET's website for the health licensing boards.

B. ASWB: Middlebrooks

Middlebrooks asked Zacher-Pate to report on ASWB training for new Board members.

- Zacher-Pate said she had requested five slots for ASWBs' new Board member training. Jennifer Hoffman from ASWB contacted Zacher-Pate and said ASWB would bring the training to Minnesota in order to keep expenditures down. Hoffman said the Board could have up to eight slots for new Board member training, and hotel expenses would be paid. However, Board members could not use this opportunity for a refresher unless there were cancellations. Michelle Kramer-Prevost has expressed interest in the training, and perhaps she will be able to attend.
- ASWB will be hosting a group dinner on Friday evening for all the attendees, and Hoffman said they are willing to have as many Board members and staff attend as would like to, at no cost.
- Zacher-Pate routed a sign-up sheet for those who would like to attend the training as a new Board member, for those who would like a refresher, or for those who would like to attend the Friday night dinner. The dates are August 27-29 at the Marquette Hotel in Minneapolis.
- Zacher-Pate commended Julie Geiger, the Board's Applications Coordinator, for the amazing job she did in approving examination applications right up to the deadline. There was an increase of approximately 100-140 applications received compared to previous Decembers, and staff was commended for their work.

C. Compliance Education Outreach Committee: Wilcoxon

Hoffman reported the Committee presented at the St. Louis County Health and Human Services Conference in Duluth in October, and the Board also had an informational booth. The Committee will present at the Minnesota Social Service Association ("MSSA") Conference on March 25.

D. Council of Health Boards: Kassekert

Kassekert reported the committee met on December 1.

- The Council was charged with the responsibility of reviewing legislative proposals for body art technicians and establishments, massage therapy, and medical laboratory science professionals. Three panels were formed to review the proposals and present their suggestions for review by the Legislature. The panels reviewed the proposals through discussion at meetings with interested members of the public and the occupations, and a review of materials submitted by the proponents, including responses to questionnaires.
- The panel on body art reported that tattooing, body piercing, etc. are not currently regulated by state statute, but some counties and cities have ordinances on these activities. There were two bills (one in the House and one in the Senate) to review. Neither bill mentioned that Minnesota blood banks support statewide regulation, which they do.
- The panel's primary goal is protecting the public, and the reports included safety, efficacy, education, and training. A concern with the reports was that there was no provision for ethics or boundaries, and the consequences that could occur were pointed out. Both of the proposals did include an exemption for persons doing body art within their profession, such as physicians, nurses, acupuncturists, etc. However, the House version also included body art within the scope of practice of cosmetologists, who do not have health training as do health professionals.
- The panel was not aware of educational training to determine competency and protect the public, and there is no test for competence. The proposed legislation does require a disclosure form relating to the client's health conditions, but there is no requirement that practitioners have training or education to identify any health conditions or refer clients for medical attention.
- The Minnesota Laboratory Licensure Coalition also submitted an application to the Council in consideration of licensing medical laboratory personnel in Minnesota. Currently, certification is voluntary and competency is ensured through employer oversight. The panel noted regulation would assist employers in selecting employees, and the public would know who performed laboratory work and would be able to report concerns, which is currently not available to employers or the public.
- Zacher-Pate is chairing the panel which reviewed the massage therapy proposal that was introduced at the 2009 Legislative session. Currently, massage therapy is regulated under city or county ordinances, mainly to prohibit prostitution; and there are no standardized requirements for ethics, testing, or educational training. At the end of the 2009 Legislative session, an alternative to mandatory licensure was prepared by proponents of the legislation, but it was not introduced to the Legislature. The proposal includes voluntary registration and grounds for disciplinary action, but there is no regulatory impact on those who do not register. The Legislature may want to consider whether voluntary registration would be confusing to clients as unregulated practitioners may use an occupational-related title.

E. Executive Committee: Middlebrooks, Black-Hughes, Sandry

Middlebrooks reported that Zacher-Pate's performance review is due in March, and he will forward an e-mail with the details.

F. Finance Committee: Sandry [Refer to Item 8]

G. HPSP: Kassekert

Kassekert reported the Program Committee will meet in February.

H. Legislation & Rules Committee: Ladd

In Ladd's absence, Middlebrooks reported the committee has not met.

I. Legislative Task Force: Middlebrooks, Wilcoxon [Refer to Item 7]

- Middlebrooks reported the committee will have a presentation at the MSSA Conference on March 25, and it would like volunteers for a panel which may include a member of the Advisory Committee, a county social worker, an educator, Middlebrooks, and one or two other individuals.

J. Licensing Study Committee: Wilcoxon

Wilcoxon reported the committee has not met.

K. Nominating Committee: Sandry

Zacher-Pate reported the following:

- The following vacancies are effective January 4, 2010.
 - 2 Social Workers licensed at the baccalaureate degree level - Licensed Social Workers (LSWs)
 - 1 Social Worker licensed at the graduate degree level - Licensed Graduate Social Worker (LGSW), Licensed Independent Social Worker (LISW), or Licensed Independent Clinical Social Worker (LICSW)
 - Additional Requirements: In addition to the license specified, the social work practice settings required for these vacancies include a state agency and a school. At least one person must have expertise in communities of color.
- The terms of two Board members have expired, and Zacher-Pate contacted the Governor's Appointment Secretary, Mr. Hultquist, about the status of Board member appointments.
- Zacher-Pate said she was pleased to hear from Mr. Hultquist that the two Board members have applied for reappointment, and she also noted they will continue to serve on the Board until reappointments to the positions are made, or until June 30, 2010. Mr. Hultquist also said the Governor will make the appointments when viable applications have been received for all open slots.

(Black-Hughes left the meeting at 1:05 p.m.)

12. PUBLIC COMMENT

Alan Ingram, Executive Director, NASW-Minnesota Chapter, welcomed Middlebrooks in his new position as Chair of the Board.

Barbara Kaufman, a former Board member, introduced herself as representing the Advisory Committee and will be acting as its Chair. Kaufman said she is looking forward to working on the very important issues that were mentioned today.

13. OTHER BUSINESS

There was no other business.

14. ROUNDTABLE

- Hallman said he hopes the mental health community is able to provide services to Haitians in Minnesota.
- Oberle noted the mileage rate has changed to 50 cents per mile and will be reflected on the expense reports that have been submitted.
- McNair thanked Board members for their expressions of sympathy on the death of her husband and the beautiful plant her family received from the Board.
- Middlebrooks thanked McNair for the quality of her work on the presentation for Zacher-Pate at the ASWB Annual Meeting.
- Sandry complimented staff for remarks he received from a licensee about the ease in completing the online renewal process.
- Middlebrooks encouraged Board members to consider becoming part of an ASWB committee. He also reminded Board members to notify him if they have suggestions about changing the format or style of the agenda.

15. ADJOURN

The meeting adjourned at 1:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Sandry', with a stylized flourish at the end.

David Sandry
Secretary-Treasurer